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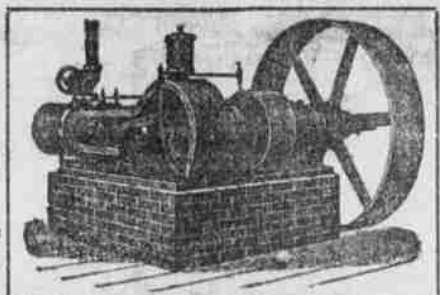
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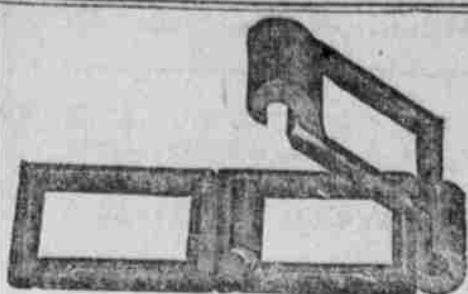
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HUTCHINSON WILL CONTEST.

Brother Asks That He Be Made One of
the Heirs.

(Special to The Post.)
New Orleans, January 24.—Edward A.
Hutchinson of New York, a brother of the
late A. C. Hutchinson, filed a petition in
the civil district court today asking that
the will of the dead millionaire be de-
clared null and void. The petition par-
ticularly objects to that provision of the
will bequeathing a large portion of the
estate to the medical department of Tulane
university, and declares the provision is
a violation of the laws of Louisiana. The
petitioner asks that he be declared one
of the four heirs at law.

SPOONER IN DEFENSE

Of Action of the Administration in
the Indianola Affair.

M'Laurin in Poor Form

Did Not Use Effectively the Material
He Had for Answering.

THE EPITHETS OF MR. CORTELYOU

Not Justified by the Facts in the Case,
He Contended.

SOUTHERNER WAS AT A DISADVANTAGE

As the Postmaster General Refused to
Permit Him Access to the Papers
in the Case.

(Special to The Post.)
Washington, January 24.—The feature
of the legislative day in the senate was
the discussion of the Indianola postoffice
incident by Senator Spooner of Wisconsin
and Senator McLaughlin of Mississippi. As
has been stated in these dispatches, Spooner,
at the request of the president, was to
have delivered his speech last Tuesday,
but Senator Aldrich and others prevailed
on him to refrain. It was thought for a
while that the proposed defense of the ad-
ministration's Southern policy would not be
made at all, but Spooner disproved this
today when he secured time from Senator
Burnham and delivered a speech which,
from the republican standpoint, could hardly
have been improved on.

Senator McLaughlin, while the facts at his
command undoubtedly gave him a great ad-
vantage over his opponent, did not use
them as his friends thought they might
have been used and the result was that he
came out second best in the forensic con-
test. He failed utterly to lay proper stress
on the vital facts that he had not been al-
lowed to see the papers in the case, which
were at all times at the disposal of Spooner,
and that the Indianola man who self-
confessedly wanted Minnie Cox out of the
way in order that he might get the post-
mastership for himself was not a democrat,
but a former member of that party who
deserted it in the hope of being rewarded
by the republicans.

The prevalent interest in the matter was
evinced by the fact that the press gallery
and the public galleries were crowded to
their capacity, while practically every sena-
tor was in his seat.

Spencer said he had no criticism to make
of Mr. McLaughlin, whose remarks had been
respectful, but that he appeared to justify
the attitude of the postmaster general and
the president. He contended there was
nothing in Secretary Cortelyou's announce-
ment of the president's attitude in the case
to justify the inference of Mr. McLaughlin
that it was intended to denounce the entire
population of Indianola as lawless and
brutal.

"No man is less likely than the president
to enter on such a wholesale condemnation
of the people of Indianola," he said.

Mr. Spooner said the president's action
had been caused by the course of the
minority in the vicinity of the postoffice.

Mrs. Cox, Mr. Spooner declared, had as
much right under the constitution and the
laws to hold the office without restraint
and dress as has any member of the sena-
te to hold his seat in the senate chamber.
Detailing the proceedings at the mass meet-
ing at which Mrs. Cox's resignation was
requested, Mr. Spooner said the circum-
stances were such as to convince anyone
that she was not a free agent in the mat-
ter.

"When before," he asked, "had it been
left to a local mass meeting to accept the
resignation of a Federal office holder and
fix the time within which it should take
effect?"

Whether this course on the part of the
meeting had indicated the presence of a
lawless and brutal element depended, the
senator said, on the point of view. He
called attention to the fact that the sheriff
of the county was among the participants
in the meeting.

Replying to Mr. Tillman, Mr. Spooner
said: "The sheriff is the conservator of the
peace up North."

To this Mr. Tillman responded that he
had not observed the generally admitted
desire themselves to the duty of acting as
body guards for people.

Proceeding, Mr. Spooner said the sheriff
did not deny the statements credited to
him. He again referred to the sheriff's
participation in the mass meeting, and
asked whether Mrs. Cox would have re-
signed of her own free will but for the
pressure thus brought upon her. The woman's
compliance with the request for her
resignation was, he asserted, an attitude of
fear. He appreciated the delicacy of the
situation of the people of the South, he
said, and sympathized with them in their
difficulties. It must, however, be borne in
mind that this case, the opposition was to
a woman of good character. The fact of
her sex, he thought, went far toward jus-
tifying the allegation that the conduct of the
meeting was brutal.

Mr. Spooner read a letter to the post-
master general from Congressman-elect
Laurey, bearing on the Indianola case,
in which he stated that "a majority of the
people of Indianola are opposed to the
course of the minority insisting on Mrs.
Cox's resignation."

This statement, he said, confirmed the
charge of undue pressure and of lawless-
ness. Proceeding, Mr. Spooner said the
president knew that Mrs. Cox did not wish
to resign, and he had accordingly refused
to have the office vacated. The people
themselves, to all intents and purposes,
had closed the office. In proceeding the
course he did the president had acted on a
principal vital to the strength and vitality
of the preservation of the government,
namely, that the Federal government shall
be allowed to conduct its own affairs with-
out regard to local pressure. The main-

TO FIGHT BOLL WEEVIL

The Agricultural Bill Contains a
Large Appropriation.

Washington, January 24.—Without
reference to whatever action may be
had on the Cooper and Wooten boll
weevil bills, the cotton growers of
Texas are practically assured that the
government during the coming
season will do everything in its
power to combat the pest. The agri-
cultural appropriation bill, which
passed the house today, contains
an item providing for further ex-
periments looking to the eradication
of the weevil. Thirty thousand dol-
lars will be devoted to this pur-
pose. This is an increase of \$10,000
over last year's appropriation and
it is understood that the agricul-
tural department will expend the
additional amount in placing experts
on a larger number of farms than
were used last year.

The bill also contains a provision
for experiments looking to the ex-
termination of the boll worm and of
Johnson grass. The specific mention
of the boll worm was secured as a
result of the introduction of a bill
by Representative Shumaker. Mr.
Burleson gave him material assist-
ance.

tenance of the principle, Mr. Spooner said,
was essential, and he declared that the
president had acted on this principle in
refusing to receive Mrs. Cox's resignation.

Mr. Spooner read two letters from A. B.
Weeks, one of which caused considerable
comment, as Weeks was a candidate for
the office. He also read a letter from the
mayor of Indianola, who wrote the in-
spector that he wanted no "unpleasant
affairs to deal with as mayor." The mayor
was partner and brother-in-law of Weeks.

He also read a portion of the report of
Inspector Fitzgerald, detailing an interview
with the sheriff and mayor. The former
acknowledged that he had been correctly
reported in the inspector's report concern-
ing the postoffice affair.

Mr. Spooner, reverting to the president,
said he hoped he would continue his course
until the people of Indianola regained their
reason. The civil war, he said, was fought
on the principle of the right of the govern-
ment to control its affairs everywhere
without the consent of the States.

Mr. McLaughlin (Miss.) said he had not in
his former speech discussed the propriety
or the impropriety of the president in clos-
ing the postoffice at Indianola, and he con-
tended that nothing he had said had just-
ified the remarks of the senator from Wis-
consin. He had not, when he first spoke,
believed that the people of Indianola had
earned the epithets of "lawless" and
"brutal," which had been applied by the
president's secretary, and he repeated that
it had not even now been shown that the
charge was justified. On the contrary, he
contended, the best feeling exists between
Mrs. Cox and the people of Indianola,
barring the prejudices of race. That this
prejudice exists the people had freely ad-
mitted, and there was no disposition to
deny it.

"It exists," he said, "throughout the
South, the West, and throughout the North,
and it is a national disgrace."

The people had exercised their right to
petition and had done no more and he had
never before heard it argued in the senate
that the people had not the right to as-
semble and make known their wants.

In this case the petitioners did not want
Mrs. Cox as postmistress, and had frankly
said so. Moreover, it was their right to
present this petition to Mrs. Cox if they
preferred to do so, and there was no
ground for charges on that account.

Mr. McLaughlin stated that, notwithstanding
three-fourths of the people at Indianola
are colored, five-sixths of the mail received
at and sent from the postoffice there is
from and to white people.

He read the petition to Mrs. Cox, con-
tending that the address was in every way
respectful. His information was that the
meeting at which the resignation had been
accepted had been attended by each of the
eighty-five white men in the town. "Ex-
cept A. B. Weeks, who had gone over to
the republicans in order to secure an office,
as is the case with most men who go
into that party."

No doubt the people wanted the woman
out of office because of her color, but it did
not follow that, on that account, they felt
any hatred toward her on account of color.
The prejudice was due, he said, to the in-
feriority of the colored race. He contended
that the charge made by Mr. Cortelyou had
not been directed at a minority of the peo-
ple at Indianola, but at all of them who
had participated in the meeting.

The president had shown a disposition to
shut his ears to the other side of the ques-
tion.

Mr. McLaughlin said he had not seen all
the correspondence in the case; that he had
requested copies of it, but had been re-
fused by the postmaster general and had
been referred to the president. He as-
serted that there had been no threats of
personal violence, and he added, "None can
be found, unless it be found in the fertile
brains of the president, postmaster general
and postoffice inspectors."

Even granting there was intimidation,
was it not still the duty of the president
to furnish the people the best possible
postal facilities? In directing that the In-
dianola mail be supplied from Greenville,
the postoffice authorities had placed on the
people of Indianola an additional bur-
den.

Mr. McLaughlin said he did not believe the
people of Indianola had done wrong in
trying to get rid of a postmaster of an in-
ferior race, but right or wrong, they should
have the right to see relief. Referring
to the fact that the people of Indianola
had asked for, in conclusion he said he
had no feeling of enmity toward the
colored people, and, on the other hand, he
had always contended for the protection of
their rights.

THE CANAL TREATY

Senators Guarded in Discussing Their
Views of the Instrument.

MR. MORGAN IS OPPOSED

Because It Does Not Provide for Con-
trol in Perpetuity.

THE PROVISION FOR A CENTURY

Is a Departure from the Terms of the
Spooner Resolution

COLOMBIA REFUSED TO DO BETTER

Announced that That Government Will
Not Accede to the Request for a
Cession in Perpetuity.

(Special to The Post.)
Washington, January 24.—The senate late
this evening made public the text of the
Panama canal treaty, a synopsis of which
has already appeared in Washington dis-
patches to "The Post." This action was pur-
suant to a recommendation of the foreign
relations committee, which, at a special
meeting today, considered the convention
without arriving at any conclusion. An im-
pression prevails among members that a
report may be agreed on as early as next
Tuesday, and naturally the principal topic
of conversation now is the probable action
of the senate. A considerable majority of
those with whom "The Post" correspondent
discussed the matter today seem of the opin-
ion that the treaty will be ratified. There
is reason to believe, however, that more or
less opposition will develop which may in
the end cause some trouble. A part of this
opposition is expected to come from those
who still think the canal should be con-
structed along the Nicaragua route, and at
present it is also thought that some senators
may be disposed to object to the treaty in
its present shape, for the simple reason that
it does not entirely conform to the Spooner
act, under the terms of which it was nego-
tiated.

The principal discrepancy seems to be in
regard to the length of time during which
the United States government shall abso-
lutely control the canal. The Spooner res-
olution provided that the original lease on this
land shall cover a period of 100 years and shall
be renewable for periods of 100 years at
the pleasure of the United States. The
Spooner act, however, provided for perpetual
control. By many the treaty is thought to fully
comply with this feature of the bill.

Those who entertain this opinion argue
that at the end of the first 100 years the
government will find it necessary only to
give notice in order to secure the desired ex-
tension.

But there are others who do not agree with
this interpretation. These in Senator Morgan
of Alabama, the chairman of the com-
mittee on foreign relations, who is undoubt-
edly an authority on matters pertaining to such
questions as any living person who would
be somewhat prejudiced against the panama
canal project. Senator Morgan
said to "The Post" correspondent this afternoon
that the failure of the treaty to provide
for perpetual control of the right of
way would prove a fatal error unless some
steps were taken to secure the desired ex-
tension.

"A hundred years is a long time," he
said, "but in a stupendous undertaking like
the construction of an inter-oceanic canal
it does not count for so much after all. It is
my firm belief that perpetual control should
be stipulated. I think it is not and the
treaty is ratified in its present form, this
government 100 years hence will find itself
in a serious position. The government will
try to do what it has already tried to do—
get out of the United States as much money
as possible. It will find some means of evad-
ing the plain intent of the canal law and
will endeavor to make the payment of an
other large sum of money a necessary pre-
condition to the extension of the lease. It may
not succeed in doing this, but its at-
tempts to bleed the United States it will
cause this government no end of serious
trouble which might be averted and the
pending treaty be properly worded before
its ratification."

"My steps were taken to remedy this
alleged defect," was asked.

"Intentionally," was the reply.

"Will you state the probable nature of
these steps?"

"It would be inadvisable to do so at this
time," replied the senator.

Further than this he would not go. It is
intended that he will attempt to have the
treaty amended as to provide for per-
petual control, but it is hardly likely that
he will be successful.

It was said at the state department during
the afternoon that every effort had been
made to secure the insertion in the treaty
of a clause making the lease perpetual in-
stead of for a century. The Colombian gov-
ernment definitely refused to allow this,
and it was intimated at the Colombian legation
today that its position on that score is
unalterable. The attitude of the legation
declines to discuss the probable reasons of
their government for assuming this position.
Since it is highly probable that the
treaty can not be amended in the particular
referred to, the question naturally arises,
will the failure to stipulate for perpetual con-
trol furnish a legitimate and sound reason
for opposition to the ratification of the
whole convention? Senators are rather
divided on this score. In fact, Senator De-
an of Georgia and one or two others de-
clared to discuss this matter at all prior to
the time the senate took off the injunction
of secrecy. Among those who did talk,
however, the preponderance of opinion seem-
ed to be that the hundred-year plan, while
not entirely satisfactory, will do in the ab-
sence of anything better and that